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10/787,302	02/27/2004	Padakandla Krishna Rao	51085-4 /slb	6560
7380	7590	04/02/2008	EXAMINER	
SMART & BIGGAR			NGUYEN, TUAN HOANG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,302	<b>Applicant(s)</b> RAO ET AL.
	<b>Examiner</b> TUAN H. NGUYEN	<b>Art Unit</b> 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 13 August 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08e)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 01/04/2008 has been considered by Examiner and made of record in the application file. However, document number US-2003186716 is incorrected. Examiner assume that document number should be US-20030186716. Appropriate correction is required.

***Response to Arguments***

2. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's Pre-Appeal Brief Request for Review submission after final filed on 08/13/2007 has been entered. Applicant's arguments, see applicant's remarks, with respect to the rejection(s) of claims 1-26 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dorenbosch et al. (US PUB. 2003/0186716 hereinafter, "Dorenbosch").

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1- 2, 5, 13-14, 20-21 and 23-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Dorenbosch et al. (US PUB. 2003/0186716 hereinafter, "Dorenbosch").

Consider claim 1, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network, the user device being further adapted to obtain from the dispatch network a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and

page 3 [0027]), and to make information pertaining to the provisioned talkgroup identifiers available to a user of the user device (page2 [0024] and page 3 [0026]).

Consider claims 2, 14, and 21, Dorenbosch e further teaches the user device is a wireless device (page 3 [0027]).

Consider claim 5, Dorenbosch further teaches the first and second messages are layer 3 messages (page 2 [0022]).

Consider claim 13, Dorenbosch teaches a dispatch network adapted to provide dispatch services to user devices capable of walkie-talkie-like functionality (page 3 [0033]), the dispatch network being adapted to provide to each user device a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and page 3 [0027]).

Consider claim 20, Dorenbosch teaches a method of provisioned talkgroup discovery comprising: a user device capable of walkie-talkie-like functionality transmitting a request to a dispatch network (page 3 [0033]); the dispatch network receiving the request and responding with a response containing a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and

page 3 [0027]); and the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device (page2 [0024] and page 3 [0026]).

Consider claim 23, Dorenbosch further teaches the request and response are sent using layer 3 messages (page 2 [0022]).

Consider claim 24, Dorenbosch further teaches the request is a registration request and the response is an enhanced registration accept message (page 3 [0033]).

Consider claim 25, Dorenbosch teaches a memory for storing data for access by a user device of a dispatch network, comprising: a data structure stored in memory, data structure being a message containing a provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and page 3 [0027]).

Consider claim 26, Dorenbosch further teaches the data structure is an enhanced registration accept message (page 3 [0027]).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 6, 9-12, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Toyryla et al. (U.S PAT. 6,999,783 hereinafter "Toyryla").

Consider claim 3, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network.

Dorenbosch does not explicitly show that the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned talkgroup identifiers themselves; a respective corresponding name for each provisioned talkgroup identifier; a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers.

In the same field of endeavor, Toyryla teaches the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned talkgroup identifiers themselves (col. 9 lines 9-14); a respective corresponding name for each provisioned talkgroup identifier (col. 5 lines 35-42); a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers (col. 5 lines 43-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned talkgroup

identifiers themselves; a respective corresponding name for each provisioned talkgroup identifier; a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers, as taught by Toyryla, in order to provide a technically simple method for creating a dynamic group.

Consider claim 4, Toyryla further teaches a message generation and processing function adapted to: transmit a first message to the dispatch network to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-35); and receive at least a second message from the dispatch network containing the provisioned talkgroup identifier(s) (col. 3 lines 56-60).

Consider claim 6, Toyryla further teaches a user interface for receiving an input from a user requesting that the first message be transmitted, and in response to which input transmits the first message (col. 9 lines 46-53).

Consider claim 9, Toyryla further teaches adapted to obtain from the network a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device by automatically trying to join each of a plurality of talkgroups that could possibly be provisioned, and maintaining a record of which talkgroups were successfully joined (col. 6 lines 31-44).

Consider claim 10, Toyryla further teaches at least one user device according to claim 2 in combination with the dispatch network adapted to provide to each user device a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-40).

Consider claim 11, Toyryla further teaches the dispatch network provides each user device the respective provisioned talkgroup identifiers in response to a request from the user device (col. 11 lines 3-12).

Consider claim 12, Toyryla further teaches in combination with the dispatch network adapted to provide to the at least one user device the respective provisioned talkgroup identifier for each talkgroup provisional for the user device (col. 3 lines 26-40).

Consider claim 15, Toyryla further teaches a message generation and processing function adapted to: receive a first message from a particular user device requesting the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-35); and transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 56-60).

Consider claim 22, Toyryla further teaches the user device receiving an input from a user in response to which input the request is transmitted (col. 9 lines 46-53).

7. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Stephen Valentine (European Patent No. EP 1 330 138 hereinafter "Valentine").

Consider claim 7, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network.

Dorenbosch does not explicitly show that adapted to transmit the first message automatically upon being powered.

In the same field of endeavor, Valentine teaches adapted to transmit the first message automatically upon being powered on (col. 7 lines 34-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, adapted to transmit the first message automatically upon being powered, as taught by Valentine, in order to provide a communication link in a radio communication system that supports a number of communication cells.

Consider claim 16, Valentine further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically upon power on of the given user device (col. 7 lines 34-45).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Ericsson, Motorola, Siemens, Nokia companies (Technical Specification Architecture V1.1.1 (2003-10)).

Consider claim 8, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network.

Dorenbosch does not explicitly show that a user device which is compliant with an iDEN.TM. standard.

In the same field of endeavor, Ericsson, Motorola, Siemens, Nokia companies teach a user device which is compliant with an iDEN.TM. standard (page 11 section 5.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a user device which is compliant with an iDEN.TM. standard, as taught by Ericsson, Motorola, Siemens, Nokia companies, in order to provide user equipment containing the push to talk application client software over cellular phone.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Wolf et al. (U.S PAT. 6,999,783 hereinafter "Wolf").

Consider claim 17, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network.

Dorenbosch does not explicitly show that a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup

identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s).

In the same field of endeavor, Wolf teaches a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers (col. 3 line 55 through col. 4 line 16); and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 10-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s), as taught by Wolf, in order to provide for a prioritization of the multiple talkgroups.

Consider claim 18, Wolf further teaches at least one EBTS through which messages are routed between user devices and the dispatch application processor (col. 3 lines 10-29).

Consider claim 19, Wolf further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically whenever there has been a change in the provisioned talkgroup identifier(s) of the given user device (col. 9 lines 9-28).

***Conclusion***

10. Any response to this action should be mailed to:

Mail Stop \_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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(571) 273-8300

Hand-delivered responses should be brought to:

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401 Dulany Street  
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/  
Examiner  
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/Nay A. Maung/  
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